

803 KAR 2:180. Recordkeeping, reporting, statistics.

RELATES TO: KRS 338.015(1), (2), 338.121(3), 338.161, 29 C.F.R. Part 1904

STATUTORY AUTHORITY: KRS 338.061, 338.161

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.161(1) requires the Department of Workplace Standards, represented by the commissioner to promulgate administrative regulations requiring employers to report occupational safety and health statistics. 29 C.F.R. Part 1904 authorizes requirements for the recording and reporting of occupational illnesses and injuries. This administrative regulation establishes recordkeeping and reporting requirements for employers pursuant to KRS Chapter 338.

Section 1. Definitions. (1) "Amputation" means an injury in which a portion of the body including bone tissue is removed.

(2) "Employee" is defined by KRS 338.015(2).

(3) "Employer" is defined by KRS 338.015(1).

(4) "Loss of eye" means the physical removal of an eye from the socket.

(5) "Occupational Safety and Health Act" means KRS Chapter 338.

(6) "Secretary of Labor" means the Secretary of the United States Department of Labor or the Secretary of the Labor Cabinet.

(7) "Section 11(c) of the Act" means KRS 338.121(3).

Section 2. An employer shall comply with the following federal regulations published by the Office of the Federal Register, National Archives and Records Administration, except as modified by the definitions in Section 1 and the requirements of Section 3 of this administrative regulation:

(1) 29 C.F.R. Part 1904, effective July 1, 2015; and

(2) Beginning January 1, 2017:

(a) The amendments to 29 C.F.R. Part 1904 as published in the May 12, 2016 Federal Register, Volume 81, Number 92; and

(b) The correction to the May 12, 2016 Federal Register, Volume 81, Number 92 as published in the May 20, 2016 Federal Register, Volume 81, Number 98.

Section 3. Reporting Fatalities, Amputations, In-Patient Hospitalizations, or Loss of Eye. The reporting requirements established in this section shall apply in lieu of 29 C.F.R. 1904.39. (1) An employer shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident that results in the:

(a) Death of any employee; or

(b) Hospitalization of three (3) or more employees.

(2) The report required pursuant to subsection (1) of this section shall be made within eight (8) hours from when the incident is reported to the employer, the employer's agent, or another employee. If the employer cannot speak with someone in the Frankfort office, the employer shall report the incident using the OSHA toll-free, central telephone number, 1-800-321-OSHA (1-800-321-6742).

(3) An employer shall orally report to the Kentucky Labor Cabinet, Department of Workplace Standards, Division of Occupational Safety and Health Compliance, at (502) 564-3070, any work-related incident that results in:

(a) An amputation suffered by an employee;

(b) An employee's loss of an eye; or

(c) The hospitalization of fewer than three (3) employees within seventy-two (72) hours following the incident.

(4) The report required pursuant to subsection (3) of this section shall be made within seventy-two (72) hours from when the incident is reported to the employer, the employer's agent, or another employee.

(5) The requirement to report the loss of an eye pursuant to subsection (3)(b) of this section shall be effective January 1, 2016.

As approved by the Kentucky Labor Cabinet, Department of Workplace Standards. (1 Ky.R. 835; eff. 5-14-1975; Am. 5 Ky.R. 144; eff. 10-4-1978; 621; eff. 3-7-1979; 10 Ky.R. 309; eff. 9-7-1983; 21 Ky.R. 105; 926; eff. 9-12-1994; 26 Ky.R. 2038; 27 Ky.R. 117; eff. 7-17-2000; 28 Ky.R. 1919; 2206; eff. 4-15-2002; 29 Ky.R. 2353; 2689; eff. 5-15-2003; 30 Ky.R. 1083; 1508; eff. 1-5-2004; 32 Ky.R. 1338; 33 Ky.R. 102; eff. 8-7-2006; TAm eff. 8-9-2007; 35 Ky.R. 1287; 1753; eff. 1-5-2009; TAm eff. 9-8-2011; TAm eff. 7-12-12; 42 Ky.R. 108, 680; eff. 10-2-2015; 43 Ky.R. 330, 685; eff. 12-2-2016.)